

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* WHITCHER/STEVENS, Minors.

UNPUBLISHED  
December 22, 2015

No. 327722  
St. Clair Circuit Court  
Family Division  
LC No. 15-000077-NA

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Before: SAWYER, P.J., and BECKERING and BOONSTRA, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii), (b)(iii), (g), and (j). We affirm.

The trial court did not clearly err in finding that §§ 19b(3)(b)(ii), (g), and (j) were each established by clear and convincing evidence. MCR 3.977(E)(3) and (K); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent's live-in boyfriend sexually abused one of the children. Respondent knew that her boyfriend was a convicted sex offender who had been imprisoned for almost 13 years for a sexual offense. Respondent's close friend warned respondent that she should not let her boyfriend live with her. Protective Services workers also warned respondent about the danger her boyfriend represented and the repercussions that could befall her if he did anything to her children. Respondent ignored that advice and allowed him to move in or remain in the house with her and the children because she wanted a relationship with a man. Further, she also allowed her children to remain alone with her boyfriend during certain times when she was away. She believed the children would be safe because she cautioned them about the possibility of sexual abuse and to let her know if anything happened. Even after the abuse was discovered, respondent still did not understand how she had failed to protect the children. The evidence supports the trial court's determination that grounds for termination were established under §§ 19b(3)(b)(ii), (g), and (j).

The trial court appears to have erred in relying on § 19b(3)(b)(iii) as an additional ground for termination. That ground applies only where "*the* nonparent adult" who perpetrated the abuse is likely to harm a child in the future. The evidence showed that the perpetrator of the abuse was incarcerated, there was no indication of when he would be released, and nothing to indicate that respondent was likely to reunite with him even if he were released in the near future. However, because it is only necessary to establish a single statutory ground for termination, *In re Frey*, 297 Mich App 242, 244; 824 NW2d 569 (2012), and the trial court did not clearly err in finding that §§ 19b(3)(b)(ii), (g), and (j) were each established, any error with

respect to § 19b(3)(b)(iii) is harmless. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Respondent also argues that termination of her parental rights was not in the children's best interests. MCL 712A.19b(5). We disagree. Respondent needlessly exposed the children to a very real risk of harm by inviting a convicted sex offender into her home because she was more interested in having a man in her life than in the children's safety. As a result, her daughter was sexually abused by the man. Respondent's daughter had no interest in being reunited with respondent. The other children apparently did not have a strong bond with respondent either. Respondent still did not understand how she was at fault for something her boyfriend did and thus could not be relied upon to protect the children in the future. The trial court did not clearly err in finding that a preponderance of the evidence showed that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); MCR 3.977(K); *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013).

Affirmed.

/s/ David H. Sawyer  
/s/ Jane M. Beckering  
/s/ Mark T. Boonstra